

EXECUTIVE SECRETARIAT**ROUTING SLIP**

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SUSPENSE

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Remarks

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Executive Secretary
22 Nov 85

Date

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Executive Registry

85-4627

OFFICE OF FEDERAL
PROCUREMENT
POLICY

NOV 18 1985

MEMORANDUM TO HEADS OF DEPARTMENTS AND AGENCIES

FROM:

WILLIAM E. MATHIS

William E. Mathis

SUBJECT:

Proposed Transmittal Memorandum No. 1, Rescission of
OMB Circular No. A-49, "Use of Management and
Operating Contracts"

Enclosed is a copy of a request for comments on the proposed rescission notice for
OMB Circular No. A-49 which appeared in the Federal Register on November 13,
1985.

Our action to rescind the Circular is based on the recommendation of the Assistant
Secretaries for Management Group (Reform 88 Program) and our assessment of the
adequacy of other existing policies and regulations.

~~Any comments you have should be received by this Office on or before December~~
31, 1985.

cc:
Procurement Executives

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with the Commission's Rules of Practice for Domestic Licensing Proceedings in 10 CFR Part 2. If a request for a hearing for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. Since this is the first application filed after the enactment of the Nuclear Waste Policy Act of 1982 (42 U.S.C. Sec. 10154) for a license amendment to expand onsite spent fuel capacity by the use of consolidation of fuel canisters, the special provisions allowing for the hybrid hearing process of that section do not apply to this application.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under construction. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700) The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Mr. John A. Zwolinski: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Harry H. Voigt, Esquire, Le Boeuf, Lamb, Lieby and MacRae, 1333 New Hampshire Ave., N.W., Suite 1100, Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 27, 1985, as supplemented June 10, June 26, and July 11, 1985, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Dated at Bethesda, Maryland, this 8th day of November 1985.

For the Nuclear Regulatory Commission.

John A. Zwolinski,
Chief, Operating Reactors, Branch No. 5,
Division of Licensing.

[FR Doc. 85-27066 Filed 11-12-85; 8:45 am]

BILLING CODE 7550-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Proposed Transmittal Memorandum No. 1, Rescission of OMB Circular No. A-49, "Use of Management and Operating Contracts"

AGENCY: Office of Management and Budget, Office of Federal Procurement Policy.

ACTION: Notice of proposed rescission and request for comments.

SUMMARY: This notice provides interested parties with a proposed transmittal memorandum which would rescind OMB Circular No. A-49, "Use of Management and Operating Contracts" and establishes the requisite comment period before final publication.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Bienvenue, Office of Federal Procurement Policy, (202) 395-8810.

SUPPLEMENTARY INFORMATION: OMB Circular No. A-49, February 25, 1959, established general criteria to assist Executive agencies in developing policies for the use of management and operating contracts. Management and operating contracts are used to administer research and development establishments; to administer and operate Government-owned or leased industrial facilities; or to operate such personal or professional services as are authorized by law. This category of contracts has limited applicability in the Executive agencies.

The policy in the Circular is restated in the Federal Acquisition Regulation, Subpart 17A. As the environment for use of management and operating contracts has changed, contracting policies have reflected those changes. Additionally, where management and operating contracts are used as the funding vehicle for Federal Contract Research Centers, Federally-Funded Research and Development Centers, and/or Federal Laboratories, new policies have been issued to provide guidance in these unique situations, i.e., OFPP Policy Letter 84-1, "Federally Funded Research and Development Centers," dated April 4, 1984.

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Federal Register / Vol. 50, No. 219 / Wednesday, November 13, 1985 / Notices

After review of these and other policies affecting management and operating contracts, OFPP has determined that adequate guidance on the use of management and operating contracts is provided in more recently updated regulations and guidance. Under these circumstances, Circular No. A-49 is no longer necessary and should be rescinded.

Comments

Agencies and other interested parties are invited to comment on this proposed rescission letter. Comments should include reference to this notice and be sent to: Mr. Robert C. Bienvenue, Office of Federal Procurement Policy, OMB, Room 9013, 728 Jackson Place, NW, Washington, DC 20503. Comments must be received 60 days from the date of this notice.

Dated: November 4, 1985.

William E. Mathis,
Acting Administrator

Office of Management and Budget

(Circular No. A-49; Transmittal Memorandum No. 1; Proposed)

To: The Heads of Executive Departments and Establishments

Subject: Use of Management and Operating Contracts

Office of Management and Budget Circular No. 49 is hereby rescinded. Policy and guidance affecting the use of management and operating contracts is found in the Federal Acquisition Regulation, Subpart 17.4, and in other related regulations and directives.

James C. Miller III,
Director.

(FR Doc. 85-28672 Filed 11-12-85; 8:45 am)
BILLING CODE 3110-01-01

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Extension of Deadline for Requests To Testify at November 18, 1985 Hearing on Possible U.S. Actions in Japan Leather and Leather Footwear Cases and Conversion of TSUS Item Description

SUMMARY: The Office of the United States Trade Representative has decided to extend the November 11, 1985 deadline for filing requests to testify at the November 18, 1985 hearing on possible leather and leather footwear cases announced in the Federal Register on November 1, 1985 (50 FR 45686). The deadline for filing requests to testify has

been extended to noon November 12, 1985.

Additionally, the following correction and addition should be made in Part 4 of the Federal Register.

TSUS Item No.	Description
859.20-633.99	Articles chiefly used for preparing, serving or storing food or beverages, or food and beverage ingredients, of fine-grained earthenware (except provided for in item 859.109) or of fine-grained stoneware.
708.05	Footgloves, of leather other than reptile leather.

J. Christine Bliss,
Associate General Counsel.

(FR Doc. 85-28646 Filed 11-12-85; 8:45 am)
BILLING CODE 3110-01-01

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, 450 Fifth Street, NW, Washington, DC 20549.

Extension
Rule 2a19-1 [17 CFR 270.2a19-1]
File No. 270-294

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 2a19-1 under the Investment Company Act of 1940, certain investment company directors not considered interested persons.

Comments should be submitted to OMB Desk Officer: Sheri Fox, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503.

John Wheeler,
Secretary.

November 5, 1985.

(FR Doc. 85-25701 Filed 11-12-85; 8:45 am)
BILLING CODE 8010-01-01

(Release No. 84-22598; SR-NASD-85-17)

Self-Regulatory Organizations; National Association of Securities Dealers, Inc., Order Approving Proposed Rule Change

The National Association of Securities

Dealers, Inc. ("NASD"), on June 25, 1985, submitted copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to amend section (f) of the Rules of Practice and Procedure for the automated interface between the Intermarket Trading System ("ITS") and the Computer Assisted Execution System ("CAES"), pursuant to the provisions of Article III, section 37 of the NASD's Rules of Fair Practice. The amendment establishes specific procedures in regard to locked and crossed markets that have evolved through the operational experience and mutual agreement of the ITS Participants. The amendment provides for, among other things, a complaint and rectification procedure for the party whose quotation is locked or crossed which obligates the locking or crossing party to promptly ship stock or unlock the market, as directed.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 22237, published in the Federal Register (50 FR 29290, July 18, 1985). No comments on the proposed rule change were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of sections 11A and 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30-3(a)(12).

Dated: November 6, 1985.

John Wheeler,
Secretary.

(FR Doc. 84-28675 Filed 11-12-84; 8:45 am)
BILLING CODE 8010-01-01

¹ CAES is an enhancement to the NASD's Automated Quotation ("NASDAQ") System that links over-the-counter ("OTC") market makers and that provides an order routing and execution capability. The ITS-CAES interface is a computer link between the exchange and OTC markets operated by the NASD and seven national securities exchanges. Presently, only Rule 12b-3 securities, which are listed securities that are not subject to exchange off-board trading restrictions, may be traded through that interface.